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| 09/935,055 | 08/21/2001 | Stephen P. Shoemaker JR. | SHOES-61460 | 7762 |

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MICHAEL J. MOFFATT
FULWIDER PATTON LEE AND UTECHT LLC
200 OCEANGATE, SUITE 1550
LONG BEACH, CA 90802

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| EXAMINER |
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KOYAMA, KUMIKO C

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| ART UNIT | PAPER NUMBER |
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2876

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,055

Applicant(s)

SHOEMAKER, STEPHEN P.

Examiner

Kumiko C. Koyama

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Prelim. Amendment/Amendment

1. Acknowledgment is made of Amendment filed on November 4, 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak (US 5,211,093) in view of Berler (US 3,763,356) and Goodman (US 4,577,099).

Horniak teaches an apparatus 10 for counting tickets and provides drive wheels 22 for drawing the tickets 12 into the apparatus 10 (col 3 lines 1-8), which provides relative motion between the ticket and the sensor. Horniak also teaches that a light sensing sensor 32 (col 3 lines 22-27).

Horniak fails to teach providing a translucent ticket with an opaque pattern providing translucent portions, providing a light source on a first side of the ticket, providing a detector on a second side of the ticket and detecting the pattern and translucent portions with the detector.

Berler teaches a translucent ticket having coded information imprinted thereon (col 2 lines 18-23) and the translucent ticket may have ultraviolet opaque to ultraviolet rays (col 4 lines 56-64). Berler teaches a light source 45 on a first side of the ticket, a sensor 42 on the second

Art Unit: 2876

side of the ticket (col 5 lines 15-23, Fig 5), and detects the pattern and translucent portions (col 4 lines 15-18, col 5 lines 25-34).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Berler to the teachings of Horniak in order to determine the pattern printed on the ticket and detect invalid tickets to prevent fraud or unauthorized reuse of tickets.

Goodman teaches an opaque pattern on a translucent substrate 24 (col 2 lines 56-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goodman to the teachings of Horniak because it enhances the projection of the pattern, which leads to more precise reading of the pattern printed on the ticket.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Berler and Goodman as applied to claim 1 above, and further in view of Paup et al (US 4,027,142). Horniak/Berler/Goodman have been discussed above.

Horniak teaches a tally means includes a counter for providing an operator with the total number of tickets processed by the apparatus.

Horniak fails to teach a running total of verified tickets and a running total of non-verified tickets.

Paup teaches a verifying means through which the train passes for sensing and comparing the coded representation applied to each document. Paup further teaches a counter means for counting the number of consecutive documents with incomplete code printing (col 12 lines 28-31, lines 47-50).

Art Unit: 2876

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Paup to the teachings of Horniak/Berler/Goodman and provide a verifying means, as well as counting total of verified tickets and non-verified tickets. Such modification determines whether the ticket is a valid or invalid ticket and shows a comparison between the number of valid and invalid tickets. Furthermore, by providing such capabilities, it may help prevent further usage and production of invalid tickets or even capture the producer of such invalid tickets.

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak in view of Berler and Wiklof (US 6,345,765).

Horniak teaches an apparatus for counting tickets comprising a housing (col 5 lines 4-6), a transport device 22 coupled to the housing capable of guiding at least one ticket into the housing (col 3 lines 1-4).

Horniak fail to teach that the tickets are printed with a pattern, a light source positioned on a first side of the ticket, a detector positioned on a second side of the ticket and a signal analyzer coupled to the detector to analyze the signal provided by the detector.

Berler teaches a translucent ticket having coded information imprinted thereon (col 2 lines 18-23). Berler teaches a light source 45 on a first side of the ticket and a sensor 42 on the second side of the ticket (col 5 lines 15-23, Fig 5).

Wiklof teaches a processor coupled to the light source and the light detector. The processor receives the output signal from the light detector and analyzes the signal based on the output signal to decode the symbol (col 2 lines 54-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Berler as modified by Wiklof to the teachings of Horniak in order to determine the pattern printed on the ticket and detect invalid tickets to prevent fraud or unauthorized reuse of tickets.

Re claim 6: Horniak discloses that the apparatus includes a rotating blade which permanently destroys the tickets once they have been counted (col 2 lines 13-14).

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Berler and Wiklof as applied to claim 3 above, and further in view of Saunders et al (US 6,340,331).

Horniak/Berler/Wiklof teaches that the apparatus counts tickets and a microprocessor that analyzes the barcode signal.

Horniak fails to teach that the signal analyzer is comprised of a controller that counts, analyzes and determines barcode similarity relative to a location code.

Wiklof further teaches a microprocessor receives the electrical signal directly and decodes it or the electrical signal is stored in the memory 302 for later analysis by the microprocessor. Wiklof also teaches that the scanner 100 need not obtain a perfect profile or stored image of a bar code because the microprocessor 300 has prior knowledge of the bar code structure and an ideal profile produced.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Wiklof to the teachings Hroniak and include a signal analyzer comprised of a controller that counts, analyzes and determines barcode

Art Unit: 2876

similarity relative to a location code in order to make sure that the tickets is purchased at an authorized location and determine whether or not the ticket is valid to prevent fraud.

Saunders teaches a control electronics 550 including a microprocessor 700, a memory 710 (col 6 lines 47-48). The microprocessor also activates devices under certain conditions (col 7 lines 3+) and such process requires a program instruction.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Saunders to the teachings Horniak/Berler/Wiklof in order to provide a precise image and analysis of the barcode pattern, which determines the validity of the tickets. Furthermore, the modifications give a fast processing apparatus that provides an accurate determination at the same time.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Berler and Wiklof as applied to claim 3 above, and further in view of Sato (US 4,073,234). Horniak/Berler/Wiklof have been discussed above.

Re claim 7: Horniak/Berler/Wiklof fail to teach that the reader comprises a ticket count display.

Sato discloses a bar code printing machine comprising a ticket count display 32.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Sato to the teachings of Horniak/Berler/Wiklof in order to quickly locate the number of valid and invalid tickets have been redeemed, which prevents fraud, and by providing a clear indication of how many valid tickets have been redeemed, which may help determining which prize to give the customer.

Art Unit: 2876

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horniak as modified by Berler and Wiklof as applied to claim 3 above, and further in view of Burns et al (US 6,048,269).

Hroniak/Berler/Wiklof fails to teach that the apparatus further comprises a receipt printer.

Burns discloses a cash out slip/ticket having a barcode (col 5 lines 50-56) and a cash out slip 222 is inserted into the bar code reader 304, the CPU 100 will validate the cash out slip 222 by making sure that it had not already been paid or otherwise valid. If it is valid, then the currency would be paid out by the change station attendant. The attendant could be advised of the amount of currency to be paid to the player by a monitor display or a receipt printer (col 7 lines 30-38).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Burns to the teachings of Horniak/Berler/Wiklof in order to print out an indication of how many tickets were redeemed or how much money worth of tickets were redeemed, which helps the attendant provide the customer with prizes and cash equivalent of the printed amount.

9. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunn et al (US 4,704,518) in view of Berler, Goodman and Kuze (US 4,177,377).

Brunn et al teaches an apparatus for printing and issuing tickets and the apparatus capable of feeding the tickets (col 2 lines 9-10, lines 15-17).

Brunn fails to teach obtaining translucent tickets, printing an opaque patter on one side of each individual tickets, such that there is an alternating pattern of translucent and opaque portions, and covering the opaque pattern with a dark colored non-opaque ink.

Berler teaches a ticket of translucent paper with coded information imprinted (col 2 lines 18-22). Berler also teaches that the code may be bars (col 5 lines 15-21).

Goodman teaches an opaque pattern on a translucent substrate 24 (col 2 lines 56-57).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Goodman and Berler to the teachings of Brunn because it enhances the projection of the pattern, which leads to more precise reading of the pattern printed on the ticket.

Kuze discloses a sheet bearing lines printed with non-opaque ink (col 3 lines 8-9).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Kuze to the teachings of Brun as modified by Berler and Goodman and cover the opaque pattern with a dark colored non-opaque ink so that the opaque pattern is not visible to the human eye and prevents individual from noticing the opaque pattern. Such modification may help the authorities to identify certain individuals having tickets without an opaque pattern, whom may be a producer of fake tickets. It would also have been obvious to an artisan of ordinary skill in the art to print the pattern one side of the ticket and cover both side of the ticket with non-opaque ink for the same motivation state above.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brunn as modified by Berler, Goodman and Kuze as applied to claim 9 above, and further in view of Noy et al (US 5,730,533). Brunn/Berler/Goodman/Kuze have been discussed above.

Brunn/Berler/Goodman/Kuze fails to teach printing the opaque pattern is printed on both sides of each individual translucent ticket and the opaque patterns on both sides of each individual ticket are covered with the dark colored non-opaque ink.

Noy teaches a method for printing a barcode on both sides of a paper (col 1 lines 13-17, Fig 1).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Noy to the teachings of Pierce as modified by Sato because it would speed up the process by reading the code from either side of the paper. Moreover, such modification would have been a mere duplication of elements, that is, to print patterns on both sides of the medium as taught by Brunn/Berler/Goodman/Kuze and therefore an obvious expedient.

Response to Arguments

11. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument regarding claim 9 that "there is nothing in the Kuze reference to suggest the step of Claim 9 for which it is cited, and there is no teaching in the other cited reference for using the non-opaque ink of Kuze in the manner proposed by the Office Action," the examiner respectfully comments that it is not necessary that the references actually suggest, expressly or in so many words, changes or possible improvements and all that is required is that the invention was made by applying knowledge clearly present in the prior art. In re Scheckler, 58 CCPA 936, 438 F. 2d 999, 168 USPQ 716 (1971).

In this case, Kuze teaches the existence of non-opaque ink and the non-opaque ink is applied to a sheet to print markings.

Therefore, in view of the Kuze it would have been obvious to an artisan of ordinary skill in the art to utilize the non-opaque ink to cover the opaque pattern because the non-opaque ink has a contrasting characteristic from the opaque pattern. The examiner's interpretation of Opaque indicates one that reflects no light. On the other hand non-opaque indicates that one reflects light, regardless of whether the light is partially reflected or all is reflected. It would have been obvious to an artisan who has the knowledge of non-opaque ink to combine the ink with another's invention including opaque pattern in order to distinctively and/or clearly present the opaque pattern. Furthermore, opaque pattern and non-opaque ink may only be different in their characteristics in reflection of light. Kuze teaches that the non-opaque ink is applied to a sheet to provide printing, which indicates that the non-opaque ink is applicable to any sheet or sheet like material. In this case, ticket is used, which is considered to be a sheet of paper and therefore, Kuze's teaching may be applied to use a non-opaque ink to cover the opaque pattern.

In response to Applicant's argument regarding claim 10 that "printing on the front and back is different from printing twice, and has inherent advantages that are discussed in the application that is a separate simple duplication of a single side printing. To wit, the printing on both sides eliminates the requirement that the ticket be oriented by the consumer prior to the insertion in the ticket counter-an advantage that is not characteristic of a single side printed ticket," the examiner appreciates and understands the clarification, however, the examiner respectfully notes that there is no indication or mention of "front and back" sides of the ticket in the claims. Also, there is no indication or mention of method for using the ticket or the advantages in the claims. Therefore, when the interpreting the claimed invention as broadly as

Art Unit: 2876

possible, Noy's teaching of a method for printing a barcode on both sides of a paper may be applied to meet the limitations.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berler, U.S. Patent No. 3,614,430, discloses a fluorescent-ink-imprinted coded document and method and apparatus for use in connection therewith.

Amundson et al., U.S. Patent No. 3,855,457, discloses a machine for processing merchandising tickets in both roll and individual form.

Stewart et al., U.S. Patent No. 5,444,750, discloses a tally punch machine.

Horniak et al., U.S. Patent No. 5,833,104, discloses a ticket dispensing device.

Wingeron, Jr., U.S. Patent No. 5,996,457, discloses an apparatus for destruction of tickets and the like.

Stern, U.S. Patent No. 6,110,044, discloses a method and apparatus for issuing and automatically validating gaming machine payout tickets.

Saunders et al., U.S. Patent No. 6,012,832, discloses a cashless peripheral device for a gaming system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425.

The examiner can normally be reached on Monday-Friday 7am-3:30pm.

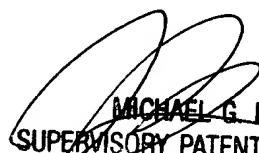
Application/Control Number: 09/935,055
Art Unit: 2876

Page 12

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck
January 8, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800